IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE NINETEENTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION NO.3845 of 2002

Between:

1. Ezaj Ahmed, S.A.R. No.911261709,
S/o S.A.Q.Saifuddin, aged 36 years,
Pharmacist (A.S.I.), Base Hospital-II,
Central Reserve Police Force,
Group Centre, Chandrayanagutta,
Hyderabad.

2. Mrs. B.Shantabai, F.No.731130259,
D/o late S.Subba Rao, aged 50 years,
Safai Karmachari, C.R.P.F.,
Base Hospital-II, Hyderabad -5.

3. Rajender, F. No.942070014,
S/o Lekh Ram, aged 34 years,
H.C. Electrician in Base Hospital-II,
C.R.P.F., Hyderabad –5.

4. Mrs. V.Sugunamma, F.No. 730280073,
W/o late Devadanam, aged 49 years,

Safai Karmachari, Base Hospital-II,

C.R.P.F., Hyderabad –5.

5. Bikram Singh, F.No.962880032,

S/o Muralidhar Yadav, aged 29 years,

Ward Boy, Base Hospital-II,

C.R.P.F., Hyderabad –5.

6. M.Rajababu, F.No.972080034,

S/o Nagraju, aged 28years,

Washer man, Base Hospital-II,

C.R.P.F., Hyderabad –5.

7. C.H.Annapurna, F.No.852090016,

D/o late K.K.Murthy, aged 39 years,

Nursing Assistant, Base Hospital-II,

C.R.P.F., Hyderabad –5.

8. Bharat Chandra Murmu, F.No.930100145,

S/o Ratha Murmu, aged 30 years,

A.S.I./Pharmacist, Base Hospital-II,

C.R.P.F., Hyderabad –5.

9. G.C.Kalitha, F.No. 980350027,

S/o Sarat Chandra Kalitha, aged 31 years,

A.S.I./Pharmacist, 35 Battalion,

Central Reserve Police Force,

Hyderabad-5.

10. Mr. P.Bhvyan, No.980350036,

S/o late Jatindra Bhvyan,

Aged 26 years, A.S.I./Pharmacist,

35 Battalion, C.R.P.F.,

Hyderabad-5.

11. H.R.Meena, F.No.923060882,

S/o Hanuman Meena, aged 31 years,

Nursing Assistant, 35 Battalion,

C.R.P.F., Hyderabad –5.

12. Dilip Kumar Martha, F.No.002080011,

S/o Duryodhan Martha, aged 25 years,

Ward Boy, Base Hospital-II,

C.R.P.F., Hyderabad –5.

13. S.Meenakshi Sundaran, F.No.870830016,

S/o M.K.Sonappa, aged 38 years,

A.S.I. Pharmacist, 5 Battalion,

C.R.P.F., Hyderabad –5.

14. Shibu G.Pillai, F.No. 933020169,

S/o Gopala Krishna Pillai,

Aged about 29 years, Nursing Assistant,

5 Battalion, C.R.P.F., Hyderabad –5.

15. K.Sadanandam, F.No.913117295,

S/o Komaraiah, aged 31 years,

Ward Boy, Base Hospital-II,

C.R.P.F., Hyderabad –5.

16. Mrs. Geeta Dey, F.No.801190355,
D/o late Iswarchinthaharan Dey,
Aged 45 years, Nursing Assistant,
Base Hospital-II, C.R.P.F., Hyderabad –5.

17. Sofia, F.No.019140018,
D/o Prakash Chandra,
Aged 22 years, Staff for Sister Mess,
Base Hospital-II, C.R.P.F., Hyderabad –5.

18. K.E.Rani, F.No.963030055,
D/o K.Raja Rao, aged 30 years,
Ward Girl, Base Hospital-II,
C.R.P.F., Hyderabad –5.

19. Sadanand, F.No.972080061,
S/o Rambrij, aged 28 years,
Table Boy, Base Hospital-II,
C.R.P.F., Hyderabad –5.

20. Prabhat Kumar Mohanty,
F.No.911261692,
S/o Sarat Chandra Mohanty,
Aged 36 years, A.S.I/Pharmacist,
Central Reserve Police Force,
Hyderabad –5.

21. Sunil Kumar, F.No.982080027,
S/o Kaushal Kishore Thakur,

Aged 27 years, Chowkidar,

Base Hospital-II,

C.R.P.F., Hyderabad –5.

22. Amanager Rai, F.No.890930167,

S/o Sri Ram De Rai, aged 33 years,

Nursing Assistant, Base Hospital-II,

C.R.P.F., Hyderabad –5.

23. Jayashree B, F.No. 891540034,

W/o Purushotham, aged 36 years,

A.S.I/Pharmacist, Group Centre,

C.R.P.F., Ranga Reddy- 500 087.

24. C.Chindambaram, F.No.911520063,

S/o R.Chinnaiah, aged 38 years,

A.S.I/Pharmacist, Group Centre,

C.R.P.F., Ranga Reddy – 500 087.

25. Santosh Kumar Patra,

F.No. 911261665, S/o E.Kasinath Patra,

Aged 34 years, A.S.I/Pharmacist,

Group Centre, C.R.P.F.,

Ranga Reddy – 500 087.

26. D.Nooka Raju, F.No.831130117,

S/o D.Bandiyya, aged 40 years,

Ward Boy, Group Centre,

C.R.P.F., Ranga Reddy.

27. J.Raja, F.No.910910017,

S/o D.Jayaraman, aged32 years,

Ward Boy, Group Centre,

C.R.P.F., Ranga Reddy.

28. Rajender Gode, F.No.910790049,

S/o Ananda Rao, aged 33 years,

Occ: Ward Boy, Group Centre,

C.R.P.F., Ranga Reddy.

29. S.Sheeja, F.No.919090271,

W/o Murugeshan, aged 31 years,

Occ: Safai Karmachari, Group Centre,

C.R.P.F., Ranga Reddy.

30. Ramjee Yadav, F.No.995270050,

S/o Ram Parwesh Yadav,

Aged 27 years, Cook, Group Centre,

C.R.P.F., Ranga Reddy.

31.Papit Kumar, F.No.015272046,

S/o Shri Rameshwar, aged 24 years,

Cook, Group Centre, C.R.P.F.,

Ranga Reddy.

32.Jambulkar Kuldeep,

F.No.981870122,

S/o Muni Raj, aged 32 years,

A.S.I/Pharmacist, 99 Battalion,

R.A.F. Ranga Reddy.

33.C.Srevalasa, F.No.911800733,

W/o late G.Murali, aged 33 years,

A.S.I/Pharmacist, 99 Battalion,

R.A.F. Jai Jawahar Nagar Colony,

Ranga Reddy.

34. J.Sukumari, F.No.910990663,

W/o K.K.Naidu, aged 31 years,

Nursing Assistant, 99 Battalion,

R.A.F. Jai Jawahar Nagar Colony,

Ranga Reddy.

35. U. Raj Kumari, F.No.912080023,

S/o U.Hanumantha Rao,

Aged 31 years, Ward Boy,

Group Centre. C.R.P.F.

36. M.Madhusudhan, F.No.911272569,

aged 32 years, Ward Boy,

R.T.C. III, Pallipuram.

37. M.Madhavan, F.No.971360015,

S/o Mathyan, aged 29 years,

Cook, Group Centre,

Central Reserve Police Force,

Ranga Reddy.

38. Balvinder Singh, F.No.921170341,

S/o Rakha Singh, aged 31 years,

X-Ray Assistant, Base Hospital-II,

Group Centre, Central Reserve Police Force,

Hyderabad –5.

...PETITIONERS

AND

1. Union of India, rep. by its
   Secretary, Ministry of Health &
   Family Welfare, Nirman Bhavan,
   New Delhi.
2. The Secretary,
   Government of India,
   Ministry of Home Affairs,
   North Block, New Delhi.

3. The Director General,
   Central Reserve Police Force,
   C.G.O. Complex, Lodhi Road,
   New Delhi.

4. The Director (Medical),
   Central Reserve Police Force,
   R.K.Puram, New Delhi.

5. The Inspector General of Police,
   Central Reserve Police Force,
   Southern Sector,

Road No.12, Banjara Hills,

Hyderabad – 34.

6. The Deputy Inspector General of Police

(Operations),

Central Reserve Police Force,

Group Centre, Chandrayanagutta,

Hyderabad – 500 005.

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ of Mandamus or any other appropriate writ or order or direction in the nature of Writ, declaring the signal issued by the 4th respondent dated 19-01-2002 and the Proceedings of the 2nd respondent in No.27012/4/2000-PF.IV, dated 08-09-2000 and of the 3rd respondent in No.A.IX.1/2000 Med.III, dated 22-09-2000 insofar as they are restrictive as highly discriminatory, illegal, arbitrary and violative of Articles 14 and 16 of the Constitution of India, as violative of the principles of natural justice and consequently direct the respondents to pay the petitioners hospital patient care allowance at the rates as revised from time to time and as respectively applicable to Group 'C' and Group 'D' employees with effect from 01-10-1987 or the date of appointment of the petitioners whichever is later.

Counsel for the Petitioners: MR.J.V.PRASAD

Counsel for the Respondents: MR.M.RATNA REDDY (ADDL.S.C FOR C.G)

The Court made the following:

ORDER:

It is not in dispute that the issue raised in this Writ Petition is squarely covered by the judgment of this Court in W.P.Nos.1130 and 23645 of 1996 dated 07.10.2004 to the effect that the petitioners who are retired are entitled for the benefit of patient care allowance along with other combatised hospital staff of the Central Reserve Police Force.

The only further question that arises for consideration from which date the petitioners are entitled to the arrears.

In the said case, the petitioners claimed allowances from 01.04.1978. The Writ Petition was filed only in the year 1996 and therefore, the relief was granted from the year 1996 alone. In view of the aforesaid judgment, I am of the opinion that the petitioners are also entitled to the benefit of patient care allowance from the date of filing the Writ Petition.

Accordingly, the Writ Petition is allowed declaring that the petitioners are entitled to the benefits of patient care allowance and the respondents are obligated to pay the petitioners the benefits of patient care allowance along with combatised hospital staff of the Central Reserve Police Force, and whatsoever the arrears of such entitlement shall be paid to the petitioners only from the date of filing of the Writ Petition i.e., February 2002. No order as to costs.

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(V.ESWARAIAH, J)

19th November 2004

Note: CC by one week

B/O

RRB

That Rule Nisi has been made absolute as above.

Witness the Hon'ble Sri Devinder Gupta, the Chief Justice on this Friday,

The 19th day of November 2004.

ASSISTANT REGISTRAR

//True Copy//

SECTION OFFICER

Copy To:

1. The Secretary, Union of India, Secretary, Ministry of Health &

   Family Welfare, Nirman Bhavan,

   New Delhi.(along with a copy of order in W.P.Nos.1130 & 23645 of 1996, dated, 07.10.2004)

2. The Secretary,

   Government of India,

   Ministry of Home Affairs,

   North Block, New Delhi.

3. The Director General,

   Central Reserve Police Force,

   C.G.O. Complex, Lodhi Road,

   New Delhi.

4. The Director (Medical),
Central Reserve Police Force,
R.K.Puram, New Delhi.

5. The Inspector General of Police,
Central Reserve Police Force,
Southern Sector,
Road No.12, Banjara Hills,
Hyderabad – 34.

6. The Deputy Inspector General of Police
(Operations),
Central Reserve Police Force,
Group Centre, Chandrayanagutta,
Hyderabad – 500 005.

7. Two CD copies.